

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

WESTERN DIVISION

DANIEL FINNEGAN

PLAINTIFF

VS.

CIVIL ACTION NO. 5:07-cv-168(DCB)(JMR)

AMERISTAR CASINOS, INC.

DEFENDANT

ORDER

This cause is before the Court on the plaintiff Daniel Finnegan's motion to hold defendant's motion for summary judgment in abeyance (**docket entry 40**), to which the defendant has not responded. Having carefully considered the motion, the Court finds as follows:

The plaintiff's motion, filed pursuant to Fed.R.Civ.P. 56(f), seeks additional time to respond to the defendant's motion for summary judgment of December 2, 2008, so that the plaintiff can propound discovery relevant to the issue of whether the defendant is the owner and/or operator of the casino where the plaintiff allegedly was injured. The Court finds that the plaintiff has had adequate time to propound discovery, and that his response to the defendant's motion shall be due within ten (10) days from the date of entry of this Order. Accordingly,

IT IS HEREBY ORDERED that the plaintiff's motion to hold defendant's motion for summary judgment in abeyance (**docket entry 40**) is GRANTED, and the plaintiff shall have ten (10) days from the date of entry of this Order to file his response to the defendant's

motion.

SO ORDERED, this the 13th day of April, 2009.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE